

## **DETAILED ACTION**

Claims 36-66 and 68 are pending in the instant application.

### ***Amendments***

The amendment filed on March 3, 2010 has been acknowledged and has been entered into the instant application file.

### ***Previous Claim Objections***

Claim 67 was previously objected to under 37 CFR 1.75 as being a substantial duplicate of claim 66.

Claim 67 has been cancelled, and the objection is withdrawn.

### ***Previous Claim Rejections - 35 USC § 112***

Claim 67 was previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant has cancelled the claim, and the rejection is withdrawn.

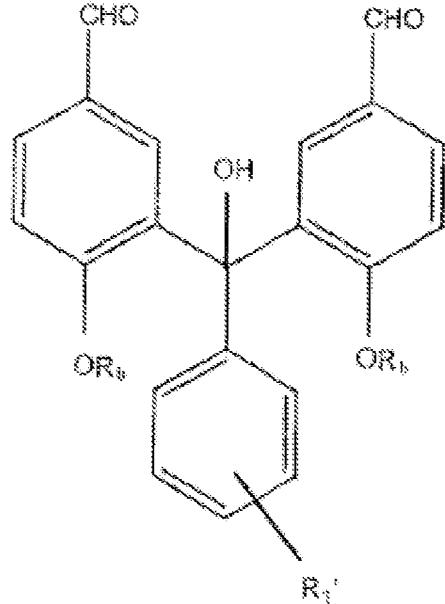
### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 68 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 68 contains definitions of substituent  $R_1''$ , but there is no link to the structural



formula , nor is there a definition for substituent  $R_1'$ .

Therefore, the metes and bounds of the claim would not be apparent to the person of skill in the art since it is not known where  $R_1''$  is attached to the base structural formula or the definition for  $R_1'$ .

The Examiner was unable to contact the Applicant to correct the error as the filer of the previous amendment has not filed a power of attorney in the instant application.

### ***Conclusion***

Claim 68 is rejected. Claims 36-66 are currently allowable.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Kosack whose telephone number is (571)272-5575. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph R Kosack/  
Examiner, Art Unit 1626